IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1613 OF 2006

In

APPEAL NO.317 OF 2006

In

NOTICE OF MOTION NO.338 OF 2005

In

SUIT NO.1471 OF 1996

Mrs.Rekha J. Budhrani & Ors. : Appellants/

Orig.Defendants 1 to 3

V/s.

Mrs.Vineeta Dadlani nee Ms Bhagwanti

Jethmal & Ors. : Respondents

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Mr.M.P.Rao with Mr.Sayeed Mulani and Mr.Vachan Bodke i/b. Chitnis Vaithy & Co., for the appellants.

Mr.Rajiv Narula with Ms Ruby Taneja i/b. M/s.J. Narula & Associates for respondent no.1.

Mr.Basant Tilokani i/b. M/s.Basant Tilokani & Co., for respondent nos.2 & 3.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : DECEMBER 19, 2006.

P.C.

We heard the counsel for the parties.

2. In the impugned order dated 3.3.2006, the learned Motion Judge noticed that after the appointment of the

Court Receiver, the Court Receiver invited private bids. None of the parties opted to be appointed as agent of the Court Receiver. No outsiders wanted to take over the property as agent as well. In our various orders passed from time to time in the Notice of Motion, we wanted to find out some solution so that the property that is lying vacant could be put to use. Earlier, the matter came to be adjourned to find out whether it was possible to sell the property, excluding the appellants' share. That does not seem to be so. Mr.Rao, the counsel for the appellants, submits that it is not possible to sell the property, excluding the appellants' share.

3. In the circumstances, the Court Receiver has no option but to keep the subject property under his lock and key.

4. Notice of Motion stands disposed of accordingly.

R.M. LODHA, J.

S.A. BOBDE, J.